

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

GREAT LAKES INSURANCE SE,

Plaintiff,

vs.

BRYAN CRABTREE and BETHEA
CRABTREE,

Defendants.

CV 19-164-M-DLC

ORDER

Before the Court is the Defendants' Unopposed Motion to Transfer (Doc. 42) this action back to the United States District Court for the Southern District of Florida.

Federal law permits this Court to transfer this action to "any district or division to which all parties have consented." 28 U.S.C. § 1404(a). The Defendants represent that the Plaintiff consents to the transfer of this action back to the Southern District of Florida, provided the Defendants agree to certain conditions. (Doc. 42 at 2.) These include: (1) dismissal of a state court action in Florida brought by the Defendants against Plaintiff; and (2) agreement that the United States District Court for the Southern District of Florida has jurisdiction to determine the coverage issues which form the basis of this dispute. (*Id.*) The Defendants, after noting these conditions, state that "[u]pon agreement of counsel"

the motion (Doc. 42) “is deemed ‘unopposed’ as to transfer back to the Southern District of Florida.” (*Id.*) Nonetheless, Defendants submitted a lengthy brief arguing the issue of effectuating a transfer to the Southern District of Florida on the merits. (Doc. 43.) By deeming this motion unopposed, however, the Court presumes the Defendants intend to live up to their end of the bargain.

Accordingly, IT IS ORDERED that the Defendants’ Unopposed Motion to Transfer (Doc. 42) is GRANTED. The clerk of court is directed to transfer this case to the United States District Court for the Southern District of Florida and close the above-captioned currently pending case in the United States District Court for the District of Montana.

DATED this 8th day of September, 2020.



Dana L. Christensen, District Judge
United States District Court